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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,351	08/09/2001	Chad Byron Moore	MRE-7 DIV	4360

20808 7590 05/08/2003

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EXAMINER

SANTIAGO, MARICELI

ART UNIT PAPER NUMBER

2879

DATE MAILED: 05/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,351

Applicant(s)

MOORE, CHAD BYRON

Examiner

Mariceli Santiago

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 14 is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

The Amendment, filed on February 12, 2003, has been entered and acknowledged by the Examiner.

Cancellation of claim 13 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Normanni (US 6,531,818).

Regarding claim 12, Normanni discloses a flat-panel comprising a vacuum tube (20) attachment where a glass frit (24) to seal a vacuum tube (20) to the panel (25) is forced into a tube panel junction using a glass washer (22) over the vacuum tube.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al. (US 4,195,892) in view of Brabham et al. (US 5,288,255).

Regarding claim 12, Riley discloses a flat-panel comprising a vacuum tube attachment where a glass frit to seal a vacuum tube to the panel is forced into a tube panel junction (Column 3, lines 56-64). Riley fails to further disclose a glass washer over the vacuum tube making a seal over the tube panel junction. However, Brabham discloses a sealing assembly comprising a sealing junction between an envelope (27) and a member (9) connected to the envelope, the sealing assembly further comprising a high temperature resistant washer element (29) sealing a glass frit (31) within the sealing junction in order to provide a vacuum tight sealing assembly and control the glass frit leakage to the outside of the sealing junction. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the sealing assembly of Brabham in the flat-panel disclosed by Riley in order to provide a vacuum tight sealing assembly and prevent the frit seal leakage to the outside of the sealing junction.

In regards to the limitation of the washer being glass material, while Brabham exemplifies an aluminum oxide washer, it is within Brabham's teaching the use of a high temperature resistant material. Glass material is also considered a high temperature resistant material. Selection of a known material on the basis of its suitability for the intended use as a matter of obvious design choice, is considered to be within the general skill of a worker in the art. *In re Leshin*, 125 USPQ 416. Accordingly, it would have been obvious to one having ordinary skills in the art at the time the invention was made to provide a glass washer, since the selection of known materials for a known purpose is within the skill of the art.

In regards to the recitation "a glass frit ... is forced to flow into a tube junction using a glass washer", the Examiner notes that the claim limitation is drawn to a process of manufacturing which is incidental to the claimed apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation, it is the product and not the recited process that is covered by the claim. Further, patentability of a claim to a product does not rest merely on the difference in the method by which the product is made. Rather, is the product itself which must be new and not obvious (see MPEP 2113). Furthermore, Brabham discloses an alternative method in which the glass frit is deposited into the junction by result of capillary phenomena.

Allowable Subject Matter

Claims 1-11 and 14 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1 and 14, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claims 1 and 14, and specifically comprising the limitation of two glass plates enclosing at least one array of fibers, which serves to form a structure within the display, where one of the two glass plates is larger than the other in all directions in a plane of the glass plates.

Regarding claims 2-11, claims 2-11 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

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Response to Arguments

Applicant's arguments, see Page 2, second paragraph, filed February 12, 2003, with respect to the rejection(s) of claim(s) 12 under 35 U.S.C. § 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as stated above.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (703) 305-1083. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382. Additionally, the following fax phone numbers can be used during the prosecution of this application (703) 872-9318 (for response before a Final Action) and (703) 872-9319 (for response after a Final Action).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

WJS 4/25/03
Mariceli Santiago
Patent Examiner
Art Unit 2879


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